

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York County Finance Building, Yorktown, Virginia, on the 17th day of December, 1997:

<u>Present</u>	<u>Vote</u>
Jere M. Mills , Chairman	Yea
Sheila S. Noll, Vice Chairman	Yea
Walter C. Zaremba	Yea
Albert R. Meadows	Yea
James W. Funk	Yea

On motion of Mr. Funk, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A USE PERMIT TO ESTABLISH A
TIMESHARE RESORT WITH A MAXIMUM OF 350 UNITS ON 69.4
ACRES OF PROPERTY LOCATED ALONG PROPOSED MOORE-
TOWN ROAD EXTENDED

WHEREAS, C. Lewis Waltrip, II has submitted Application No. UP-523-97 which requests a use permit, pursuant to the terms of Section 24.1-306 (Category 11, No. 11) of the York County Zoning Ordinance, to authorize establishment of a timeshare resort with a maximum of 350 units on 69.4 acres of property located approximately one (1) mile east of the intersection of Mooretown Road (Route 603) and Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-50; and

WHEREAS, said application has been forwarded to the Planning Commission in accordance with applicable procedure; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing; and

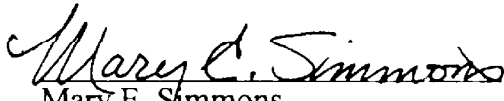
WHEREAS, the Board has carefully considered the recommendation of the Commission and the public comments received with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of December, 1997, that it does hereby approve Application No. UP-523-97, subject to the following conditions:

1. This use permit shall authorize the establishment of a timeshare resort with a maximum of 350 units, including any "lockout units," on property located approximately one (1) mile east of the intersection of Mooretown Road (Route 603) and Airport Road (Route 645) and further identified as Assessor's Parcel 5-50.
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencing any activity on the subject property. As part of the site plan, an impact study shall be completed consistent with Section 24.1-376(f), Watershed Management and Protection Area Overlay District, of the Zoning Ordinance.
3. No timeshare units shall be occupied until such time as Mooretown Road Extended is completed, and opened by the Virginia Department of Transportation (VDOT) for public use, or an alternate access is established to the satisfaction of the Zoning Administrator.
4. No construction traffic shall access the property by crossing over the CSX railroad tracks. Construction on the resort shall not commence until an alternate access has been established to the satisfaction of the York County Zoning Administrator.
5. The layout and design of the site shall generally conform with the concept plan titled "Concept Plan Proposed Timeshare Development," prepared by Lynn D. Evans, CLS, dated September 30, 1997 and amended October 25, 1997, except as modified herein.
6. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
7. The developer shall be responsible for installing left and right turn lanes along Mooretown Road at the entrance to the development as outlined in "Traffic Analysis for Mershon Tract on Mooretown Road Extended," prepared by DRW Consultants, Inc., and dated September 25, 1997. These additional lanes shall be approved by VDOT prior to construction.
8. The resort shall be served by sanitary sewer and public water prior to the issuance of certificates of occupancy for any timeshare units.

9. Permanent year-round residential occupancy by any individual or family other than that of a resident caretaker/manager shall be prohibited.
10. The development shall consist only of units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.
11. Proposed procedures and regulations for maintenance and upkeep of the facility shall be submitted to the Zoning Administrator for review and approval at the time of the initial site plan submission for the project.
12. Parking shall be provided at a ratio of no fewer than 1.3 spaces per timeshare unit.
13. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.

A Copy Teste:


Mary E. Simmons
Deputy Clerk